UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,946	04/16/2001	KRISTOFER E. ELBING	KEE-0014	7924

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EXAMINER
SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/835,946	ELBING ET AL
	Examiner	Art Unit	
	Steven P. Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 July 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>26,28,39 and 41-52</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>26,28,39 and 41-52</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 19

DETAILED ACTION

1.   This application has been examined. The amendment filed 7/11/05 has been

entered.

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

3.   Claims 26,28,39 and 41-52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rosenberg et al (5880714) and Braun et al (6300936).

4.   Regarding claim 26, see in Rosenberg et al the computer system with processor

and operating system and display (Figure 1, 2A, column 3 lines 10-20), the pointing

device with position sensor having an output line and tactile actuator having an input

line (column 3 lines 22-32, column 4 lines 25-46), wherein the input line is responsive to

the pointing device driver which is in turn responsive to the output line (column 4 lines

40-55, column 6 lines 40-50), an application responsive to the pointing device driver and

operating system and communicating with the display, and wherein the driver is

responsive to a general purpose application (column 5 lines 1-22 and 33-42, abstract).

Rosenberg et al do not go into the details of plural applications, with a plurality of application specific profile elements for the applications that define tactile signals to the actuator when interacting with the corresponding applications, or the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, but do show the application responsive to the driver and defining tactile signals to an actuator application for efficient user feedback (aforecited, also column 8 lines 1-11). Furthermore, Braun et al show the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications (Figures 5, 9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43), as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements (column 9 lines 5-25, column 12 lines 45-65, column 16 lines 35-48, column 19 lines 27-31, column 20 lines 5-12), for efficient user feedback. It would have been obvious to a person with ordinary skill in the art to have the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications (and note that some of the profile elements in Braun et al are based on cells containing a single alphanumeric character - the mapping to a numeric value column 9 lines 25-39, the pixel mapping column 44 lines 14-30), as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, in Rosenberg et al because it would provide efficient user feedback.

5.   Regarding claim 28, in addition to that mentioned for claim 26, the application

specific profile elements in Braun et al correspond to classes of the applications

supported by the computer system (column 20 lines 7-22). This then being in

Rosenberg et al follows from the obviousness stated in paragraph 4 of this Office

Action.

6.   Regarding claim 39, in addition to that mentioned for claim 26, note that a second

actuation is sent in response to receiving signals during interaction with a second

application, just as in the same procedure as with the first actuation (Braun column 4

lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43). This then being

present in Rosenberg et al follows from the obviousness stated in paragraph 4 of this

Office Action.

7.   Regarding claim 41, the profile elements map interactions with single

alphanumeric characters to tactical impulses (as shown in Braun column 9 lines 25-39,

the pixel mapping column 44 lines 14-30. The obviousness to have this in Rosenberg

et al follows from paragraph 4 of this Office Action).

8.   Regarding claim 42, the tactical impulses are sent to the actuator in the form of

analog pulses (column 3 lines 22-32, column 4 lines 25-46).

9.   Regarding claim 43, the profile elements map movement from character to the

next to a tactical signal (Braun column 9 lines 25-39, column 17 lines 30-45, column 44

lines 14-30). The obviousness to have this in Rosenberg et al then follows from

paragraph 4 of this Office Action.

10.   Regarding claim 44, Braun shows a text based class (column 9 lines 25-39,

column 44 lines 14-30). This then being in Rosenberg et al follows from the

obviousness in paragraph 4 of this Office Action.

11.   Regarding claim 45, Braun also shows unknown applications are included

(column 19 lines 20-43). This then being in Rosenberg et al follows from the

obviousness in paragraph 4 of this Office Action.

12.   Regarding claim 46, see in Rosenberg et al the computer system with processor

and operating system and display (Figure 1, 2A, column 3 lines 10-20), the pointing

device with position sensor having an output line and tactile actuator having an input

line (column 3 lines 22-32, column 4 lines 25-46), wherein the input line is responsive to

the pointing device driver which is in turn responsive to the output line (column 4 lines

40-55, column 6 lines 40-50), an application responsive to the pointing device driver and

operating system and communicating with the display, and wherein the driver is

responsive to a general purpose application (column 5 lines 1-22 and 33-42, abstract).

Rosenberg et al do not go into the details of plural applications, with a plurality of

application specific profile elements for the applications that define tactile signals to the

actuator when interacting with the corresponding applications, or the configuration

module to present pointing device configuration controls including controls for accessing

application specific profile elements, but do show the application responsive to the

driver and defining tactile signals to an actuator application for efficient user feedback

(aforecited, also column 8 lines 1-11). Furthermore, Braun et al show the plurality of

applications, and with the specific profile elements for applications that define tactile

signals to the actuator when interacting with the corresponding applications (Figures 5,

9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines

10-22 and 35-43), as well as the configuration module to present pointing device

configuration controls including controls for accessing application specific profile

elements (column 9 lines 5-25, column 12 lines 45-65, column 16 lines 35-48, column

19 lines 27-31, column 20 lines 5-12) and deriving some of the profile elements by a

driver as the computer operates (column 12 lines 45-65, column 16 lines 35-48), for

efficient user feedback. It would have been obvious to a person with ordinary skill in the

art to have the plurality of applications, and with the specific profile elements for

applications that define tactile signals to the actuator when interacting with the

corresponding applications, as well as the configuration module to present pointing

device configuration controls including controls for accessing application specific profile

elements, in Rosenberg et al because it would provide efficient user feedback. Note

that a second actuation is sent in response to receiving signals during interaction with a

second application, just as in the same procedure as with the first actuation (Braun

column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43). This then

being present in Rosenberg et al follows from the obviousness stated above.

13.   Regarding claim 47, some of the elements are derived from scanning part of a

window (Rosenberg et al column 4 lines 40-55, column 6 lines 40-50).

14.   Regarding claims 48-49, some of the elements are derived from applying

statistical tests to screen display information (Rosenberg et al column 3 lines 20-30,

column 4 lines 40-55, column 6 lines 40-50).

15.   Regarding claim 50, see in Rosenberg et al the computer system with processor

and operating system and display (Figure 1, 2A, column 3 lines 10-20), the pointing

device with position sensor having an output line and tactile actuator having an input

line (column 3 lines 22-32, column 4 lines 25-46), wherein the input line is responsive to

the pointing device driver which is in turn responsive to the output line (column 4 lines

40-55, column 6 lines 40-50), an application responsive to the pointing device driver and

operating system and communicating with the display, and wherein the driver is

responsive to a general purpose application (column 5 lines 1-22 and 33-42, abstract).

Rosenberg et al do not go into the details of plural applications, with a plurality of

application specific profile elements for the applications that define tactile signals to the

actuator when interacting with the corresponding applications, or the configuration

module to present pointing device configuration controls including controls for accessing

application specific profile elements, but do show the application responsive to the

driver and defining tactile signals to an actuator application for efficient user feedback

(aforecited, also column 8 lines 1-11). Furthermore, Braun et al show the plurality of

applications, and with the specific profile elements for applications that define tactile

signals to the actuator when interacting with the corresponding applications (Figures 5,

9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines

10-22 and 35-43), as well as the configuration module to present pointing device

configuration controls including controls for accessing application specific profile

elements (column 9 lines 5-25, column 12 lines 45-65, column 16 lines 35-48, column

19 lines 27-31, column 20 lines 5-12) , and wherein some of the elements correspond to

classes of applications supported by the computer (column 20 lines 7-22), for efficient

user feedback. It would have been obvious to a person with ordinary skill in the art to

have the plurality of applications, and with the specific profile elements for applications

that define tactile signals to the actuator when interacting with the corresponding

applications, as well as the configuration module to present pointing device

configuration controls including controls for accessing application specific profile

elements, in Rosenberg et al because it would provide efficient user feedback. Note

that a second actuation is sent in response to receiving signals during interaction with a

second application, just as in the same procedure as with the first actuation (Braun

column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43). This then

being present in Rosenberg et al follows from the obviousness stated above.

16.   Regarding claim 51, Braun shows a text based class (column 9 lines 25-39,

column 44 lines 14-30). This then being in Rosenberg et al follows from the

obviousness in paragraph 4 of this Office Action.

17.   Regarding claim 52, Braun also shows unknown applications are included

(column 19 lines 20-43). This then being in Rosenberg et al follows from the

obviousness in paragraph 4 of this Office Action.

18.   Applicant's arguments filed have been fully considered but they are not

persuasive. The description of the invention is noted. Regarding claim 26, Braun in fact

does show the application specific profile elements based on cells that contain textual,

or alphanumeric characters. The cells upon which the elements are based do contain

text. And the combination of Rosenberg et al and Braun do in fact show the invention

as claimed, and the single textual characters are mentioned and relevant. Column 9

lines 25-39 of Braun does bring out a form of mapping, and in combination the two

references show the claimed features. Regarding claim 28, again please note that

Braun does address the different classes of applications. Regarding claim 46, note that

these features are shown in the art as described above.   Applicant is invited to contact

the Examiner at 571-272-4072 to discuss claim interpretation.

19.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

20.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Steven P. Sax whose telephone number is (571) 272-

4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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STEVEN SAX
PRIMARY EXAMINER